

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Track Three Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**DECLARATION IN SUPPORT OF CERTAIN DEFENDANTS' *DAUBERT* MOTION TO
EXCLUDE THE OPINIONS OFFERED BY JAMES RAFALSKI**

Pursuant to 28 U.S.C. § 1746, I, Brian C. Hill, hereby declare as follows:

1. I am a partner at the office of Marcus & Shapira LLP, counsel for Giant Eagle, Inc. ("Giant Eagle") in the above-captioned action.

2. I submit this Declaration on behalf of Defendants Giant Eagle, Inc. and HBC Service Company, Rite Aid,¹ and Walmart Inc. ("Moving Defendants") in support of Certain Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski and for the purpose of transmitting to the Court true and correct copies of the documents attached hereto.

3. The table below reflects the documents attached to Certain Defendants' Memorandum in Support of Their *Daubert* Motion to Exclude the Opinions Offered by James Rafalski, and each listed document is a true and correct copy thereof.

| Exhibit | Description |
|----------------|---|
| 1 | James Rafalski Report Excerpts, April 16, 2021 |
| 2 | James Rafalski Deposition Excerpts, Vol. I (June 10, 2021), Vol. II (June 11, 2021) |
| 3 | DEA Reports of Investigation – HBC and GERX |

¹ Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc., d/b/a Rite Aid Mid-Atlantic Customer Support Center and Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center.

I have read the above declaration and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: July 23, 2021

Respectfully submitted,

/s/ *Brian C. Hill*

Brian C. Hill